

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**

04-CR-222S-1

HUGH STEVENS,

Defendant.

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1. On September 23, 2004, this Court referred this matter to the Honorable H. Kenneth Schroeder, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A), and thereafter to file a Report and Recommendation.

2. On August 30, 2005, Judge Schroeder filed a Report, Recommendation and Order dated August 29, 2005 recommending that Defendant's Motion to Suppress "all electronic eavesdropping evidence" be denied.

3. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has carefully reviewed Judge Schroeder's August 29, 2005 Report, Recommendation and Order, and the submissions of the parties with respect to Defendant's Motion to Suppress.

IT HEREBY IS ORDERED that this Court accepts Judge Schroeder's August 29, 2005 Report, Recommendation and Order (Docket No. 65).

FURTHER, that Defendant's Motion to Suppress (Docket No. 52) is DENIED.

SO ORDERED.

Dated: February 14, 2006  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge